



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

NICOLETTE PELLEGRINO
Assistant Corporation Counsel
Phone: (212) 356-2338
Fax: (212) 356-3509
Email: npellegr@law.nyc.gov

October 26, 2020

VIA E.C.F.

Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

RE: Brian Coleman v. City of New York, et al.,
18-CV-11819 (RA)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing the City of New York and New York City Police Department Sergeant Johanny Beissel (collectively, “Defendants”) in the above referenced matter. The parties write in accordance with the Court’s October 19, 2020 Order to update the Court as to the status of the case and respectfully request an additional two month stay of discovery in this action, from October 26, 2020, through December 26, 2020. This is the parties’ second request for a stay of discovery in this case.

By way of relevant background, on March 17, 2020, the parties submitted a joint application to stay this matter until October 16, 2020. (See Dkt. No. 43.) Specifically, the parties noted that due to the ongoing Coronavirus Pandemic, both parties were considered high risk and susceptible for transmission of the virus and that Sgt. Beissel had a planned leave of absence starting on April 15, 2020, for approximately five months. (See id.) On March 18, 2020, the Court granted the parties’ request. (See Dkt. No. 44.)

On October 19, 2020, the Court noted that the stay of this case was lifted and directed the parties to “submit a joint letter updating the Court as to the status of the case and proposing next steps in this action” by October 26, 2020. (See Dkt. No. 48.)

Most recently, the parties’ counsel have conferred via telephone to discuss the outstanding discovery in this matter and revisit settlement discussions. The parties agree that both Plaintiff and Sgt. Beissel must be deposed, that the depositions can take place virtually in light of the Coronavirus Pandemic, and that there are a few other outstanding discovery matters, which the parties are committed to addressing in a timely manner. However, Sgt. Beissel’s anticipated leave has been extended and she does not anticipate returning until at least March

2021. Thus, the undersigned is looking into alternatives concerning whether Sgt. Beissel has the ability to partake in deposition preparation and be deposed while she is on leave.

Accordingly, due to these circumstances, the parties respectfully request an additional two month stay of discovery in this action, from October 26, 2020, through December 26, 2020. Of note, the parties remain committed to addressing the other discovery matters, not including depositions, during this requested stay.

The parties thank the Court for its consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino
Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

CC: VIA E.C.F.
Gregory William Zenon, Esq.
Attorney for Plaintiff

Application granted.

SO ORDERED.



Hon. Ronnie Abrams
October 27, 2020